

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:15-cv-01991-EGS-GMH**

COLE v. MAY et al
Assigned to: Judge Emmet G. Sullivan
Referred to: Magistrate Judge G. Michael Harvey
Cause: 05:552 Freedom of Information Act

Date Filed: 11/12/2015
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

DAVID COLE

represented by **David K. Colapinto**
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V.

Defendant

WILLIE E. MAY
*in his official capacity as Director of
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TERMINATED: 03/10/2020

Defendant

**NATIONAL INSTITUTES FOR
STANDARDS AND TECHNOLOGY**

represented by **Sean Michael Tepe**
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LEAD ATTORNEY
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Jason Todd Cohen
(See above for address)
TERMINATED: 03/10/2020

Defendant

WILLIAM CRAIG FUGATE
*in his official capacity as Director of
FEMA*

represented by **Sean Michael Tepe**
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Jason Todd Cohen
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TERMINATED: 03/10/2020

Defendant

**FEMA EMERGENCY
MANAGEMENT AGENCY**

represented by **Sean Michael Tepe**
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Jason Todd Cohen
(See above for address)
TERMINATED: 03/10/2020

Date Filed	#	Docket Text
11/12/2015	<u>1</u>	COMPLAINT <i>FOR INJUNCTIVE RELIEF</i> against FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, Willie E. May, National Institutes for Standards and Technology (Filing fee \$ 400 receipt number 0090-4313946) filed by David Cole. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Colapinto, David) (Entered: 11/12/2015)
11/12/2015		Case Assigned to Judge Emmet G. Sullivan. (sth) (Entered: 11/13/2015)
11/13/2015	<u>2</u>	SUMMONS(4) Issued Electronically as to FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(sth) (Entered: 11/13/2015)
11/13/2015	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Mick G. Harrison, :Address- 520 S. Walnut Street, #1147, Bloomington, IN 4702. Phone No. - 812-361-6220. Fax No. - 812-650-4374 Filing fee \$ 100, receipt number 0090-4314853. Fee Status: Fee Paid. by DAVID COLE (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Colapinto, David) (Entered: 11/13/2015)
11/20/2015		MINUTE ORDER granting <u>3</u> Motion for Admission Pro Hac Vice of attorney Mick G. Harrison. Mick G. Harrison is hereby admitted pro hac vice in this action. Signed by Judge Emmet G. Sullivan on November 20, 2015. (lcegs1) (Entered: 11/20/2015)
02/22/2016	<u>4</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of All Defendants (Cohen, Jason) (Entered: 02/22/2016)
03/02/2016	<u>5</u>	First MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY (Attachments: # <u>1</u> Proposed Order)(Cohen, Jason) (Entered: 03/02/2016)
03/08/2016	<u>6</u>	RESPONSE re <u>5</u> First MOTION for Extension of Time to File Answer re <u>1</u> Complaint, <i>Consenting to Motion</i> filed by DAVID COLE. (Harrison, Mick) (Entered: 03/08/2016)
03/09/2016		MINUTE ORDER. In view of <u>6</u> plaintiff's consent to <u>5</u> defendants' motion for extension of time to answer or otherwise respond to the complaint, defendants shall answer or otherwise respond to the complaint by no later than April 8, 2016. Signed by

		Judge Emmet G. Sullivan on March 9, 2016. (lcegs1) (Entered: 03/09/2016)
03/10/2016		Set/Reset Deadlines: Defendants Answer due by 4/8/2016. (mac) (Entered: 03/10/2016)
04/08/2016	<u>7</u>	ANSWER to Complaint by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY.(Cohen, Jason) (Entered: 04/08/2016)
04/08/2016	<u>8</u>	Joint STATUS REPORT by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Cohen, Jason) (Entered: 04/08/2016)
04/11/2016		MINUTE ORDER. In view of <u>8</u> joint status report, the parties are directed to file a status report by no later than June 8, 2016 to update the Court on the progress of the case and make any recommendations for further proceedings. Signed by Judge Emmet G. Sullivan on 4/11/2016. (lcegs1) (Entered: 04/11/2016)
04/12/2016		Set/Reset Deadlines: Status Report due by 6/8/2016. (mac) (Entered: 04/12/2016)
06/07/2016	<u>9</u>	Joint STATUS REPORT by DAVID COLE. (Harrison, Mick) (Entered: 06/07/2016)
06/08/2016		MINUTE ORDER. In view of <u>9</u> joint status report, the parties are directed to file a status report by no later than July 22, 2016 to update the Court on the progress of the case and make any recommendations for further proceedings. Signed by Judge Emmet G. Sullivan on 6/8/2016. (lcegs1) (Entered: 06/08/2016)
06/09/2016		Set/Reset Deadlines: Status Report due by 7/22/2016. (mac) (Entered: 06/09/2016)
07/22/2016	<u>10</u>	Joint STATUS REPORT (<i>Third</i>) by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Cohen, Jason) (Entered: 07/22/2016)
08/09/2016		MINUTE ORDER. In view of <u>10</u> joint status report, it is HEREBY ORDERED that: (1) defendants shall provide Mr. Cole with a detailed Vaughn Index and a complete response to Mr. Cole's June 7, 2016 e-mail by no later than August 23, 2016; and (2) the parties shall file a joint status report by no later than September 12, 2016. Signed by Judge Emmet G. Sullivan on 8/9/2016. (lcegs1) (Entered: 08/09/2016)
08/10/2016		Set/Reset Deadlines: Joint Status Report due by 9/12/2016. (mac) (Entered: 08/10/2016)
09/12/2016	<u>11</u>	STATUS REPORT of <i>Plaintiff</i> by DAVID COLE. (Harrison, Mick) (Entered: 09/12/2016)
10/04/2016	<u>12</u>	Supplemental STATUS REPORT by DAVID COLE. (Harrison, Mick) (Entered: 10/04/2016)
10/06/2016		MINUTE ORDER. In view of <u>12</u> the status report, plaintiff shall inform defendants of any remaining concerns regarding defendants' production by no later than October 11, 2016. Defendants shall provide their response to plaintiff's proposal by November 22, 2016. The parties are directed to file another status report by no later than December 2, 2016, noting whether they believe additional proceedings are necessary. Signed by Judge Emmet G. Sullivan on 10/6/16. (lcegs4) (Entered: 10/06/2016)
10/06/2016		Set/Reset Deadlines: Defendants Response to Plaintiff's Proposal due by 11/22/2016. Status Report due by 12/2/2016. (mac) (Entered: 10/06/2016)
10/06/2016		Set/Reset Deadlines: Status Report due by 11/3/2016. (mac) (Entered: 10/06/2016)
12/02/2016	<u>13</u>	Joint STATUS REPORT by DAVID COLE. (Harrison, Mick) (Entered: 12/02/2016)
12/14/2016		MINUTE ORDER. In view of <u>13</u> the joint status report, the Court will hold a status hearing in this case on January 25, 2017 at 10:30 a.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on 12/14/2016. (lcegs4) (Entered: 12/14/2016)
12/14/2016		Set/Reset Hearings: Status Conference set for 1/25/2017 at 10:30 AM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 12/14/2016)

01/11/2017	<u>14</u>	Unopposed MOTION to Continue <i>Status Hearing</i> by DAVID COLE (Harrison, Mick) (Entered: 01/11/2017)
01/11/2017		MINUTE ORDER granting <u>14</u> unopposed motion for continuance. The status hearing scheduled for January 25, 2017 is hereby vacated and rescheduled for February 15, 2017 at 1:30 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on 1/11/2017. (lcegs4) (Entered: 01/11/2017)
01/12/2017		Set/Reset Hearings: Status Conference set for 2/15/2017 at 1:30 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 01/12/2017)
02/15/2017		MINUTE ORDER. In view of the call placed by government counsel to Chambers yesterday, the party seeking to attend today's status hearing by phone shall contact Courtroom Deputy Mark Coates at (202) 354-3364. Signed by Judge Emmet G. Sullivan on 2/15/2017.(lcegs4). (Entered: 02/15/2017)
02/15/2017		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 2/15/2017. The Plaintiff Will File A Motion For Limited Discovery. (Court Reporter JANICE DICKMAN.) (mac) (Entered: 02/15/2017)
03/27/2017	<u>15</u>	MOTION for Discovery by DAVID COLE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit 1 June 7 2016 Plaintiff Letter to Defendants, # <u>4</u> Exhibit 1a Excerpt from FEMA BPS Appendix D, # <u>5</u> Exhibit 1b FEMA Records Inventory sent to NIST in 2002, # <u>6</u> Exhibit 1c Silverstein Letter to Gilsanz referencing drawings, # <u>7</u> Exhibit 2 Defendants August 23 2016 Letter to Plaintiff, # <u>8</u> Exhibit 3 Plaintiff October 11, 2016 Letter to Defendants, # <u>9</u> Exhibit 4 Defendants November 22, 2016 Letter to Plaintiffs, # <u>10</u> Affidavit of Plaintiff Cole Exhibit 5, # <u>11</u> Exhibit 6 FEMA December 23 2011 FOIA Response Letter, # <u>12</u> Exhibit 7 FEMA NIST June 29 2012 Letter noting most records are releasable, # <u>13</u> Exhibit 8 FEMA August 30 2012 Response to Cole Questions, # <u>14</u> Exhibit 9 FEMA May 26 2011 FOIA Request Acknowledgement Letter)(Harrison, Mick) (Entered: 03/27/2017)
04/19/2017		MINUTE ORDER directing defendants to respond to <u>15</u> plaintiff's motion for discovery by no later than April 21, 2017. If defendants do not respond by that date, the Court may treat the motion as conceded. See Local Civil Rule 7(b) ("Within 14 days of the date of service or at such other time as the Court may direct, an opposing party shall serve and file a memorandum of points and authorities in opposition to the motion. If such a memorandum is not filed within the prescribed time, the Court may treat the motion as conceded."). Signed by Judge Emmet G. Sullivan on 4/19/2017. (lcegs2) (Entered: 04/19/2017)
04/21/2017	<u>16</u>	Memorandum in opposition to re <u>15</u> MOTION for Discovery filed by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Cohen, Jason) (Entered: 04/21/2017)
04/28/2017	<u>17</u>	REPLY to opposition to motion re <u>15</u> MOTION for Discovery filed by DAVID COLE. (Attachments: # <u>1</u> Exhibit A, FEMA Inventory of Records Transferred to NARA)(Harrison, Mick) (Entered: 04/28/2017)
07/28/2017	<u>18</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 7/28/2017. (Attachments: # <u>1</u> Exhibit) (lcegs1) (Entered: 07/28/2017)
01/03/2018	<u>19</u>	MEMORANDUM OPINION AND ORDER denying <u>15</u> plaintiff's motion for discovery and directing the parties to submit a joint status report by no later than January 22, 2018. Please see document for further details. Signed by Judge Emmet G. Sullivan on January 3, 2018. (lcegs2) (Entered: 01/03/2018)
01/03/2018		Set/Reset Deadlines: Joint Status Report due by 1/22/2018. (mac) (Entered: 01/03/2018)
01/19/2018	<u>20</u>	Joint STATUS REPORT by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Cohen, Jason) (Entered: 01/19/2018)

01/22/2018		MINUTE ORDER. In view of <u>20</u> the parties' joint status report, the parties are directed to comply with the following briefing schedule: defendants' motion for summary judgment shall be filed by no later than March 23, 2018; plaintiff's opposition, which shall be combined with plaintiff's cross-motion for summary judgment, shall be filed by no later than May 7, 2018; defendants' reply, combined with defendants' opposition to the cross-motion, shall be filed by no later than June 6, 2018; and plaintiff's reply in support of his cross-motion shall be filed by no later than July 6, 2018. Signed by Judge Emmet G. Sullivan on January 22, 2018. (lcegs2) (Entered: 01/22/2018)
01/23/2018		Set/Reset Deadlines: Defendants' Motion For Summary Judgment due by 3/23/2018. Plaintiff's Opposition, Which Shall Be Combined With Plaintiff's Cross-Motion For Summary Judgment due by 5/7/2018. Defendants' Reply, Combined With Defendants' Opposition To The Cross-Motion due by 6/6/2018. Plaintiff's Reply In Support Of Cross-Motion due by 7/6/2018. (mac) (Entered: 01/23/2018)
03/22/2018	<u>21</u>	Unopposed MOTION for Extension of Time to File <i>Defendants' Motion for Summary Judgment</i> by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Jason) (Entered: 03/22/2018)
03/26/2018	<u>22</u>	MINUTE ORDER granting <u>21</u> defendants' unopposed motion for an extension of time. The parties are directed to comply with the following briefing schedule: defendants' motion for summary judgment shall be filed by no later than April 5, 2018; plaintiff's opposition, which shall be combined with plaintiff's cross-motion for summary judgment, shall be filed by no later than May 21, 2018; defendants' reply, combined with defendants' opposition to the cross-motion, shall be filed by no later than June 20, 2018; and plaintiff's reply in support of his cross-motion shall be filed by no later than July 20, 2018. Signed by Judge Emmet G. Sullivan on March 26, 2018.(lcegs2) (Entered: 03/26/2018)
03/26/2018		Set/Reset Deadlines: Defendants Motion For Summary Judgment due by 4/5/2018. Plaintiff's Opposition, Which Shall Be Combined With Plaintiff's Cross-Motion For Summary Judgment due by 5/21/2018. Defendants' Reply, Combined With Defendants' Opposition To The Cross-Motion due by 6/20/2018. Plaintiff's Reply In Support Of Its Cross-Motion due by 7/20/2018. (mac) (Entered: 03/26/2018)
04/05/2018	<u>23</u>	MOTION for Summary Judgment by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY (Attachments: # <u>1</u> Statement of Material Facts Not In Dispute, # <u>2</u> Declaration of Eric Neuschaefer with Exhibits, # <u>3</u> Declaration of Catherine S. Fletcher with Attachments, # <u>4</u> Apr & Sept 2016 Correspondence to Plaintiff, # <u>5</u> Text of Proposed Order)(Cohen, Jason) (Entered: 04/05/2018)
05/20/2018	<u>24</u>	Unopposed MOTION for Extension of Time to File <i>Plaintiff's Cross Motion for Summary Judgment, Response in Opposition, and Rule 56(d) Motion</i> by DAVID COLE (Attachments: # <u>1</u> Text of Proposed Order)(Harrison, Mick) (Entered: 05/20/2018)
05/25/2018		MINUTE ORDER granting <u>24</u> plaintiff's unopposed motion for an extension of time. The parties are directed to comply with the following briefing schedule: plaintiff's opposition, which shall be combined with plaintiff's cross-motion for summary judgment and any Rule 56(d) motion, shall be filed by no later than June 4, 2018; defendants' reply, combined with defendants' opposition to the cross-motion and Rule 56(d) motion, shall be filed by no later than July 11, 2018; and plaintiff's reply in support of his cross-motion and Rule 56(d) shall be filed by no later than August 10, 2018. Signed by Judge Emmet G. Sullivan on May 25, 2018. (lcegs2) (Entered: 05/25/2018)
05/27/2018		Set/Reset Deadlines: Plaintiff's Opposition to Defendant's Motion for Summary Judgment, which shall be combined with Plaintiff's Cross-Motion for Summary Judgment and any Rule 56(d) Motion, shall be filed by 6/4/2018; Defendants' Reply in support of its Motion for Summary Judgment, combined with its Opposition to Plaintiff's Cross-Motion for Summary Judgment and any Rule 56(d) Motion, is due by 7/11/2018; Plaintiff's Reply in support of his Cross-Motion for Summary Judgment and any Rule 56(d) Motion is due by 8/10/2018. (jth) (Entered: 05/27/2018)

06/04/2018	<u>25</u>	Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment filed by DAVID COLE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 1a, # <u>5</u> Exhibit 1b, # <u>6</u> Exhibit 1c, # <u>7</u> Exhibit 2, # <u>8</u> Exhibit 3, # <u>9</u> Exhibit 4, # <u>10</u> Exhibit 5 Plaintiff Declaration, # <u>11</u> Exhibit 6, # <u>12</u> Exhibit 7, # <u>13</u> Exhibit 8, # <u>14</u> Exhibit 9)(Harrison, Mick) (Entered: 06/04/2018)
06/04/2018	<u>26</u>	MOTION for Summary Judgment by DAVID COLE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Statement of Facts, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 1a, # <u>6</u> Exhibit 1b, # <u>7</u> Exhibit 1c, # <u>8</u> Exhibit 2, # <u>9</u> Exhibit 3, # <u>10</u> Exhibit 4, # <u>11</u> Exhibit 5 Declaration of Plaintiff, # <u>12</u> Exhibit 6, # <u>13</u> Exhibit 7, # <u>14</u> Exhibit 8, # <u>15</u> Exhibit 9)(Harrison, Mick) (Entered: 06/04/2018)
06/04/2018	<u>27</u>	MOTION for Discovery <i>Rule 56d discovery</i> by DAVID COLE (Attachments: # <u>1</u> Declaration of Counsel, # <u>2</u> Memorandum in Support, # <u>3</u> Text of Proposed Order, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 1a, # <u>6</u> Exhibit 1b, # <u>7</u> Exhibit 1c, # <u>8</u> Exhibit 2, # <u>9</u> Exhibit 3, # <u>10</u> Exhibit 4, # <u>11</u> Declaration of Plaintiff, # <u>12</u> Exhibit 6, # <u>13</u> Exhibit 7, # <u>14</u> Exhibit 8, # <u>15</u> Exhibit 9)(Harrison, Mick) Modified event title on 6/7/2018 (znmw). (Entered: 06/04/2018)
06/13/2018	<u>28</u>	ERRATA <i>Corrected Format combining motions and opposition and adding TOC, TOA, and Exhibits Index</i> by DAVID COLE <u>25</u> Memorandum in Opposition, filed by DAVID COLE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 1a, # <u>4</u> Exhibit 1b, # <u>5</u> Exhibit 1c, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> Exhibit 4, # <u>9</u> Declaration of Plaintiff Exhibit 5, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9)(Harrison, Mick) (Entered: 06/13/2018)
06/13/2018	<u>29</u>	ERRATA <i>Corrected Format combining motions and opposition and adding TOC, TOA, and Exhibits Index</i> by DAVID COLE <u>27</u> MOTION Rule 56d discovery filed by DAVID COLE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Counsel, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 1a, # <u>5</u> Exhibit 1b, # <u>6</u> Exhibit 1c, # <u>7</u> Exhibit 2, # <u>8</u> Exhibit 3, # <u>9</u> Exhibit 4, # <u>10</u> Declaration of Plaintiff Exhibit 5, # <u>11</u> Exhibit 6, # <u>12</u> Exhibit 7, # <u>13</u> Exhibit 8, # <u>14</u> Exhibit 9)(Harrison, Mick) (Entered: 06/13/2018)
06/13/2018	<u>30</u>	ERRATA <i>Corrected Format combining motions and opposition and adding TOC, TOA, and Exhibits Index</i> by DAVID COLE <u>26</u> MOTION for Summary Judgment filed by DAVID COLE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 1a, # <u>4</u> Exhibit 1b, # <u>5</u> Exhibit 1c, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> Exhibit 4, # <u>9</u> Declaration of Plaintiff Exhibit 5, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9)(Harrison, Mick) (Entered: 06/13/2018)
07/09/2018	<u>31</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION for Summary Judgment , <u>27</u> MOTION Rule 56d discovery , <u>23</u> MOTION for Summary Judgment by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Jason) (Entered: 07/09/2018)
07/12/2018		MINUTE ORDER granting <u>31</u> unopposed motion for extension of time. Defendants shall file their reply in support of the motion for summary judgment and their opposition to plaintiff's cross-motion for summary judgment and Rule 56(d) motion by July 25, 2018; and plaintiff shall file his reply by August 24, 2018. Signed by Judge Emmet G. Sullivan on 7/12/2018. (lcegs1) (Entered: 07/12/2018)
07/12/2018		Set/Reset Deadlines: Defendants Reply In Support Of The Motion For Summary Judgment And Their Opposition To Plaintiff's Cross-Motion For Summary Judgment And Rule 56(d) Motion due by 7/25/2018. Plaintiff Reply due by 8/24/2018. (mac) (Entered: 07/12/2018)
07/25/2018	<u>32</u>	REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Attachments: # <u>1</u> Response to Plaintiff's "Statement of Undisputed Facts")(Cohen, Jason) (Entered: 07/25/2018)
07/25/2018	<u>33</u>	Memorandum in opposition to re <u>26</u> MOTION for Summary Judgment (<i>duplicate filing of ECF No. 32</i>) filed by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Attachments: # <u>1</u> Response to Plaintiff's

		"Statement of Undisputed Facts")(Cohen, Jason) (Entered: 07/25/2018)
07/25/2018	<u>34</u>	Memorandum in opposition to re <u>27</u> MOTION Rule 56d discovery (<i>duplicate filing of ECF No. 32</i>) filed by FEMA EMERGENCY MANAGEMENT AGENCY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Attachments: # <u>1</u> Response to Plaintiff's "Statement of Undisputed Facts")(Cohen, Jason) (Entered: 07/25/2018)
08/24/2018	<u>35</u>	REPLY to opposition to motion re <u>26</u> MOTION for Summary Judgment , <u>27</u> MOTION Rule 56d discovery filed by DAVID COLE. (Harrison, Mick) (Entered: 08/24/2018)
01/07/2019		MINUTE ORDER REFERRING CASE to a Magistrate Judge for full case management, up to but excluding trial pursuant to Local Civil Rule 72.2. This includes, with respect to pending potentially dispositive motions, the preparation of a report and recommendation pursuant to Local Civil Rule 72.3. The parties are reminded, that pursuant to Local Civil Rule 73.1, the parties may consent to the assignment of this action to a magistrate judge for all purposes, including trial. Consent of the district court judge is not necessary. Signed by Judge Emmet G. Sullivan on 1/7/2019. (lcegs1) (Entered: 01/07/2019)
01/07/2019		MINUTE ORDER STAYING CASE. In view of the referral of this case to a Magistrate Judge for full case management, proceedings before Judge Emmet G. Sullivan are hereby STAYED. Signed by Judge Emmet G. Sullivan on 1/7/2019. (lcegs1) (Entered: 01/07/2019)
01/07/2019		CASE RANDOMLY REFERRED to Magistrate Judge Robin M. Meriweather for full case management, up to but excluding trial. (zad) (Entered: 01/08/2019)
01/09/2019	<u>36</u>	CASE RANDOMLY REFERRED to Magistrate Judge G. Michael Harvey for full case management, up to but excluding trial; case is no longer referred to Magistrate Judge Robin M. Meriweather. (ztnr) (Entered: 01/09/2019)
03/09/2020	<u>37</u>	REPORT AND RECOMMENDATION re <u>26</u> MOTION for Summary Judgment filed by DAVID COLE, <u>27</u> MOTION Rule 56d discovery filed by DAVID COLE, <u>23</u> MOTION for Summary Judgment filed by NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY, WILLIAM CRAIG FUGATE, WILLIE E. MAY, FEMA EMERGENCY MANAGEMENT AGENCY. Signed by Magistrate Judge G. Michael Harvey on 3/9/2020. (lckt) (Entered: 03/09/2020)
03/10/2020	<u>38</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sean Michael Tepe on behalf of All Defendants Substituting for attorney Jason Cohen (Tepe, Sean) (Entered: 03/10/2020)
03/16/2020	<u>39</u>	MOTION for Extension of Time to <i>Object to Report and Recommendation</i> by FEMA EMERGENCY MANAGEMENT AGENCY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY (Tepe, Sean) (Entered: 03/16/2020)
03/17/2020		MINUTE ORDER granting <u>39</u> MOTION for Extension of Time to Object to Report and Recommendation. In light of the current national emergency, Defendant shall file any objections to the Report and Recommendation by no later than June 17, 2020. Signed by Judge Emmet G. Sullivan on 3/17/2020. (lcegs2) (Entered: 03/17/2020)
03/18/2020		Set/Reset Deadlines: Defendant Objections to Report And Recommendation due by 6/17/2020. (mac) (Entered: 03/18/2020)
03/23/2020	<u>40</u>	Unopposed MOTION for Extension of Time to File <i>Objections to Report and Recommendation</i> by DAVID COLE (Attachments: # <u>1</u> Text of Proposed Order)(Harrison, Mick) (Entered: 03/23/2020)
03/23/2020	<u>41</u>	ENTERED IN ERROR.....OBJECTION to <u>37</u> Report and Recommendations <i>filed in the alternative to motion for extension of time</i> filed by DAVID COLE. (Harrison, Mick) Modified on 3/24/2020 (zjf). (Entered: 03/23/2020)
03/24/2020		NOTICE OF ERROR re <u>41</u> Objection to Report and Recommendations; emailed to mickharrisesq@gmail.com, cc'd 5 associated attorneys -- The PDF file you docketed contained errors: 1. FYI -- For Future Filings; Do not file document until Motion has been ruled upon (zjf,) (Entered: 03/24/2020)

03/24/2020		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>41</u> Objection to Report and Recommendations was entered in error and counsel was instructed to refile said pleading. Document was a duplicate filing re <u>40</u> Unopposed MOTION for Extension of Time to File Objections to Report and Recommendation (jf) (Entered: 03/24/2020)
03/26/2020		MINUTE ORDER granting <u>40</u> Unopposed MOTION for Extension of Time to File Objections to Report and Recommendation. In light of the current national emergency, Plaintiff shall file any objections to the Report and Recommendation by no later than June 17, 2020. Signed by Judge Emmet G. Sullivan on 3/26/2020. (lcegs2) (Entered: 03/26/2020)
03/26/2020		Set/Reset Deadlines: Plaintiff Objections to R&R due by 6/17/2020. (mac) (Entered: 03/26/2020)
06/17/2020	<u>42</u>	ENTERED IN ERROR.....NOTICE of <i>Objection to Magistrate Judge's Report and Recommendation</i> by DAVID COLE re <u>37</u> Report and Recommendation, (Harrison, Mick) Modified on 6/17/2020 (zjf). (Entered: 06/17/2020)
06/17/2020		NOTICE OF ERROR re <u>42</u> Notice (Other); emailed to mickharrisesq@gmail.com, cc'd 5 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. using the Oppositions/Replies event a (Entered: 06/17/2020)
06/17/2020		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>42</u> NOTICE of Objection to Magistrate Judge's Report and Recommendation was entered in error and counsel was instructed to refile said pleading using the correct category. (zjf) (Entered: 06/17/2020)
06/17/2020	<u>43</u>	OBJECTION to <u>37</u> Report and Recommendations filed by FEMA EMERGENCY MANAGEMENT AGENCY, NATIONAL INSTITUTES FOR STANDARDS AND TECHNOLOGY. (Tepe, Sean) (Entered: 06/17/2020)
06/17/2020	<u>44</u>	OBJECTION to <u>37</u> Report and Recommendations of <i>Magistrate Judge</i> filed by DAVID COLE. (Harrison, Mick) (Entered: 06/17/2020)
07/01/2020	<u>45</u>	RESPONSE to <i>Defendants' Objections to Magistrate Judge's Report and Recommendation</i> filed by DAVID COLE. (Harrison, Mick) (Entered: 07/01/2020)